



## MAYOR DEKE COPENHAVER

FOR DETAILS, CONTACT:  
Karyn Nixon, Executive Assistant  
Room 806 - 530 Greene Street  
knixon@augustaga.gov  
Office (706) 821-1833  
FAX (706) 821-1835  
Cell (706) 564-4656

## Press Release

**Date: March 13, 2006**

**Re: Mayor Copenhaver's response to the court ruling**

I have reviewed the court ruling handed down last Friday.

First, it should be made clear that the good things happening in Augusta – and the challenges we face – are the same today as they were before the ruling on Friday. A court ruling cannot create jobs or fill a budget deficit. We must remember the only way to make progress on those issues is through team action, not narrow tie-breaking votes.

However, the court ruling has laid out a clear legal role for the Mayor in determining the effect of abstentions. To quote the ruling:

*“Thus, simply stated, is the duty of the Mayor to determine how to count an abstention and he/she does this when he/she announces the result of the vote... the Mayor, who is elected by the voters of the entire County, is the deciding authority as to the final actions of the entire Commission (p. 13, p. 14).”*

When a court says it is the legal “duty” of the Mayor to do something, I must take that seriously.

Our Rules of Procedure are silent on how the Mayor should count an abstention. However, Robert's Rules of Order instruct the Chair to count an abstention as a “no” vote, with room for Chair to exercise discretion (see note below on this point from Robert's Rules of Order). The court made it clear Robert's Rules of Order control where specific county rules do not (p. 5).

After reflecting on the duty placed on me by the court, these are the principles I will follow in deciding how to count abstentions:

1. Our Charter and our Rules make it clear the commissioners should resolve all matters if possible. The Mayor must defer to the Commission unless a tie exists.
2. Even where an abstention occurs, I do not believe the ruling requires me to declare every abstention a “no” vote and trigger the Mayor's tie-breaking vote. Robert's Rules of Order give the Mayor room for discretion. I will use that discretion to intervene only in cases where deadlock has occurred on an issue of significance to the city.
3. If there is a deadlock caused by intentional abuse of the abstention, then the Mayor has a “duty” to act– and I will do so. I will declare that abstention a “no” vote and trigger the Mayor's ability to break the tie as the duly-elected representative of all the people.

We should remember that abstentions are relatively rare. We only had 17 last year, and many of them did not prevent the Mayor from voting. While deadlock has occurred on high-profile issues, the vast majority of commission actions are decided with large majorities in favor. This court ruling, and the principles I will use to follow it, must be kept in that context.

Finally, the most important principle I will follow comes straight from the text of the court ruling: “Since the Mayor is elected by the entire voting population of Augusta-Richmond County, the Mayor’s decisions are to be judged by the will of all the people of Augusta-Richmond County (p. 14).”

I will judge any action I take by what is best for the people of Augusta-Richmond County. That is what they need and deserve from their city government.

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***On the question of counting abstention votes, Robert’s Rules of Order says the following (summary taken from [www.robertsrules.com](http://www.robertsrules.com)):***

If the vote required is... a majority or two thirds of the entire membership, an abstention will have the same effect as a "no" vote. [(10th ed.), p. 387, l. 7-13; p. 388, l. 3-6; p. 390, l. 13-24]